IN THE UNITED STATES DISTRICT COURT
FOR THE DISTFICT OF COLUMBIA

JULIUS W. HOBSON, et al. :

Plaintiffs, :

v. : Civil Action No. 82-66

CARL F. HANSEN, et al. :

Defendants. :

MOTION OF DEFENDANTS TO MODIFY DECREE

Defendants move this Court to modify that portion of the May 25, 71, decree in the above-referenced cause which requires fendants to file a compliance report with the Court by October 1 each calendar year. Defendants submit that the reporting date hould be moved back to December 1 for the following reasons:

The experience of defendants during the past academic year has demonstrated the October 1 reporting date is too early in the school year to give an accurate picture of the actual operations of the school system. When schools opened in September, 1971, the enrollment in many schools proved to be significantly different than projections made during the previous summer. In most instances, these differences were due to unpredictable events, such as the early opening of a housing project, or to the shifting nature of the population of Washington, D. C.

The school system did make adjustments, both immediately and over the course of the year, to bring affected schools back into compliance with the Court's decree. However, defendants felt themselves at public disadvantage in having submitted a report to the Court on October 1, 1971, based upon projections which, in part, proved erroneous.

A reporting date of December 1 would solve this problem. The Board of Education has directed the school administration to prepare a compliance plan for the forthcoming school year; the initial assignments of teachers will be based upon projections of fall enrollments. However, final compliance cannot be realized until after the school system's official pupil enrollment count, which occurrs annually on the third Thursday of October. It is this count, resulting teacher reassignments, and recomputation of other data specified in the decree which would form the basis of the report which would be submitted to the Court each December 1.

Although children return to school the first week in September, experience has shown that actual enrollments do not become firm until the middle of October. For example, many children, especially those in kindergarten and first grade, are not registered by their parents until October.

Secondly, the school system is faced with an austerity budget for the 1972-73 school year. The Board of Education has reordered priorities and many positions are being abolished. As the school system operates under Civil Service Commission Regulations, an elaborate "reduction in force" process has had to be put in operation. In effect, this means that some administrators will be returning to the classroom and some classroom teachers will be terminated. The names and salaries of all those involved will not be known until mid-August. Those administrators returning to classrooms will have to be reassigned in accordance with the provisions of the May 25, 1971, decree.

Finally, the number of special subject matter teachers (reading, mathematics, art, music, etc.) available in elementary education has

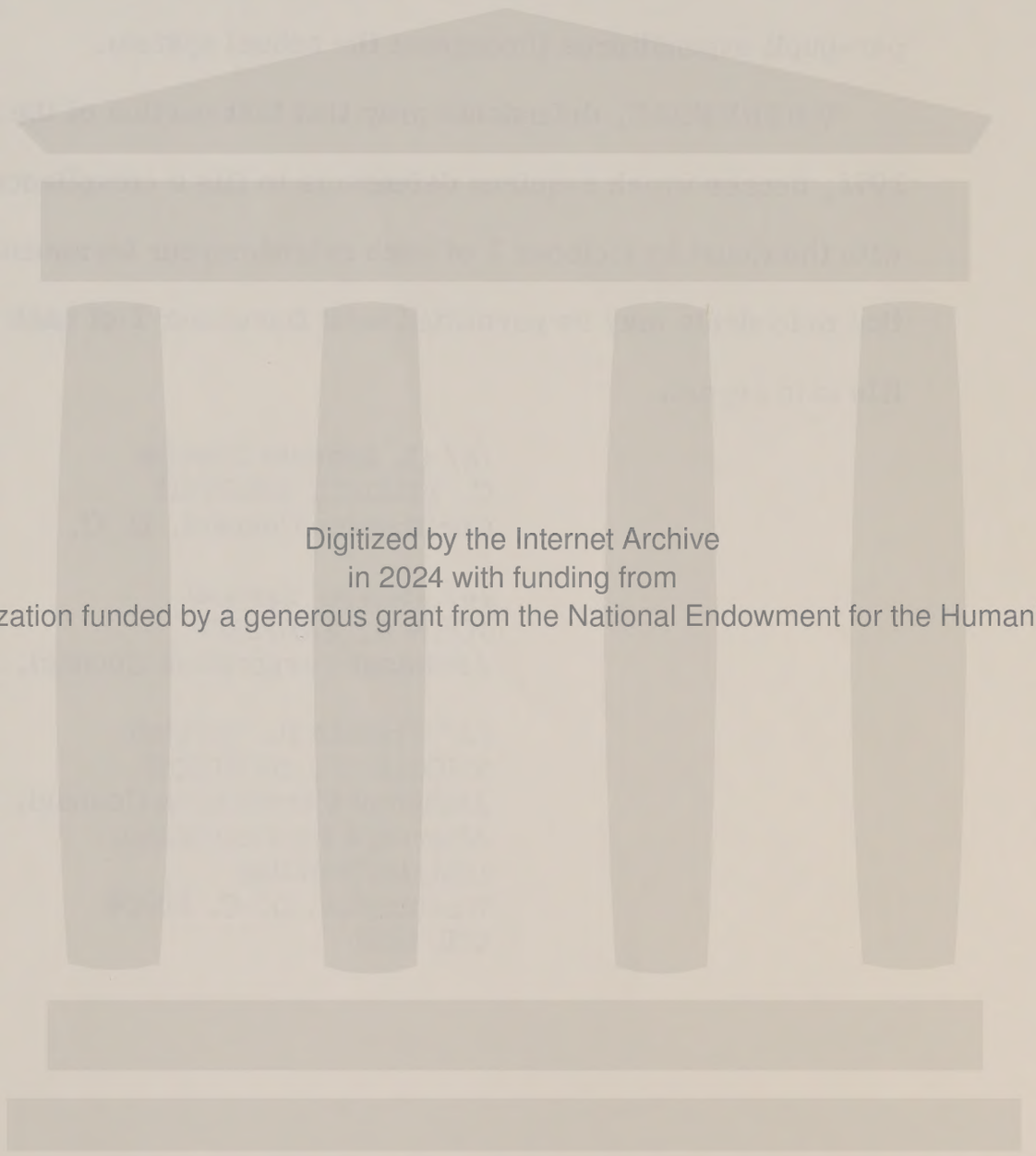
been reduced. In light of this fact, the school administration has been directed to develop a method for distributing those teachers which will provide more equitable support services to all children. The December 1 date will permit the submission of a report which will reflect this distribution as an accomplished fact, with the result that the entire report will more accurately show actual per-pupil expenditures throughout the school system.

WHEREFORE, defendants pray that that portion of the May 25, 1971, decree which requires defendants to file a compliance report with the Court by October 1 of each calendar year be amended so that defendants may be permitted until December 1 of each year to file said report.

/s/ C. Francis Murphy
C. FRANCIS MURPHY
Corporation Counsel, D. C.

/s/ John A. Earnest
JOHN A. EARNEST
Assistant Corporation Counsel, D. C.

/s/ Thomas R. Nedrich
THOMAS R. NEDRICH
Assistant Corporation Counsel, D.C.
Attorneys for Defendants
District Building
Washington, D. C. 20004
629 4895



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of Defendants to Modify Decree was mailed, postage prepaid, to Peter F. Rousselot, Esq., Attorney for Plaintiffs, 815 Connecticut Avenue, N. W., Washington, D. C. 20006, this 28th day of July, 1972.

/s/ Thomas F. Nedrich
Assistant Corporation Counsel, D. C.
Attorney for Defendants
District Building
Washington, D. C. 20004

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al. :

Plaintiffs, :

v. : Civil Action No. 82-66

CARL F. HANSEN, et al. :

Defendants. :

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF DEFENDANTS TO MODIFY DECREE

* 1. Hobson v. Hansen, 327 F. Supp. 844, 864 (D.D.C., 1971).

2. The matters asserted in the body of the motion.

/s/ C. Francis Murphy
C. FRANCIS MURPHY
Corporation Counsel, D. C.

/s/ John A. Earnest
JOHN A. EARNEST
Assistant Corporation Counsel, D. C.

/s/ Thomas R. Nedrich
THOMAS R. NEDRICH
Assistant Corporation Counsel, D. C.
Attorney for Defendants
District Building
Washington, D. C.

---

* Cases or authorities chiefly relied on are marked by asterisks.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al.	:	
Plaintiffs,	:	
v.	:	Civil Action No. 82-66
CARL F. HANSEN, et al.	:	
Defendants.	:	

ORDER

Upon consideration of the motion of defendants to modify decree, it is, by the Court, this _____ day of _____, 1972,

ORDERED: That that portion of the May 25, 1972, decree in the above-entitled cause which requires defendants to file a compliance report with the Court by October 1 of each calendar year be, and the same is, hereby modified, and that henceforth defendants shall file said report by December 1 of each calendar year.

_____
JUDGE

I hereby certify that a copy of the foregoing proposed order was mailed, postage prepaid, to Peter F. Rousselot, Esq., Attorney for Plaintiffs, 815 Connecticut Avenue, N. W., Washington, D. C. 20006, this 25th day of July, 1972.

/s/ Thomas P. Nedrich
Assistant Corporation Counsel, D. C.
Attorney for Defendants
District Building
Washington, D. C. 20004

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON et al.,

Plaintiffs

v.

Civil Action No. 82-66.

CARL F. HANSEN et al.,

Defendants

ORDER

It is ORDERED that the defendants herein respond in writing filed in the record by January 15, 1973 to plaintiffs' motion for an order to show cause why defendants should not be held in contempt of this court's decree of May 25, 1971.

J. SKELLY WRIGHT*
UNITED STATES CIRCUIT JUDGE

Washington, D. C.

December 26, 1972

---

*Sitting by designation pursuant to 28 U.S.C. § 291(c) (1970).

Peter F. Rousselot
HOGAN & HARTSON
815 CONNECTICUT AVENUE
WASHINGTON, D. C. 20006

Mr. Julius W. Hobson
Washington Institute for
Quality Education
1319 - 4th Street, S. W.
Washington, D. C. 20024

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al.,	:	
Plaintiffs,	:	
v.	:	Civil Action No. 82-66
CARL F. HANSEN, et al.,	:	
Defendants.	:	

ORDER

The Court finds that the plaintiffs have established a prima facie case that the defendants are in contempt of this Court's order of May 25, 1971. Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED that the following named defendants:

Marion Barry, Jr.

Mattie G. Taylor

Charles I. Cassell

James E. Coates

Raymond B. Kemp

Hilda H. Mason

Delores Pryde

Albert A. Rosenfield

Martha S. Swaim

Bardyl R. Tirana

Evie M. Washington

Hugh J. Scott

show cause why each of them should not be:

(1.) held in contempt of this Court's order of May 25, 1971; and

(2.) fined at the rate of $10.00 per day per person from September 7, 1972, up to the date prior

to January 29, 1973, on which compliance with this Court's order of May 25, 1971 is restored; and

(3.) fined at the rate of $100.00 per day per person for each day after January 29, 1973 that any District of Columbia elementary school subject to this Court's decree of May 25, 1971 is out of compliance with that decree.

J. Skelly Wright,
Circuit Judge*

Dated: December ____, 1972

*Sitting by designation pursuant to 28 U.S.C. §291(c)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al.,	:	
Plaintiffs,	:	
v.	:	Civil Action No. 82-66
CARL F. HANSEN, et al.,	:	
Defendants.	:	

Plaintiffs' Motion For An Order To Show Cause Why Defendants Should Not Be Held In Contempt Of This Court's Decree Of May 25, 1971

Plaintiffs respectfully move this Court for an order to show cause why the defendants should not be held in contempt of this Court's decree of May 25, 1971, for the reasons set forth in the attached memorandum of points and authorities in support hereof and incorporated herein by reference.

Respectfully submitted,

Peter F. Rousselot
815 Connecticut Avenue
Washington, D. C. 20006

Attorney for Plaintiffs

Of Counsel:

Ralph J. Temple
American Civil Liberties
Union Fund
3000 Connecticut Avenue
Washington, D. C. 20008

Certificate of Service

I, Peter F. Rousselot, hereby certify that one copy of the foregoing Motion For An Order To Show Cause Why Defendants Should Not Be Held In Contempt Of This Court's Decree of May 25, 1971, together with the attached memorandum of points and authorities and Exhibits A - C in support thereof, was hand delivered this 20th day of December, 1972, to Neal Dyckman, Assistant Corporation Counsel, D. C., an attorney for defendants, Room 335, District Building, 14th and E Streets, N. W., Washington, D. C. 20004, and to each of the defendants named in the proposed Order To Show Cause (Exhibit A), c/o Gertrude L. Williamson, Executive Secretary, D. C. Board of Education, 415 - 12th Street, N. W., Washington, D. C. 20004.

Peter F. Rousselot

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al.,	:	
Plaintiffs,	:	
v.	:	Civil Action No. 82-66
CARL F. HANSEN, et al.,	:	
Defendants.	:	

Plaintiffs' Memorandum Of Points And Authorities In Support Of Their Motion For An Order To Show Cause Why Defendants Should Not Be Held In Contempt Of This Court's Decree of May 25, 1971.

Introduction.

It is with the greatest regret that Plaintiffs must once again return to this Court for relief. We have sought, without success, to effect compliance with this Court's decree of May 25, 1971, through negotiation with the defendants.

In its opinion herein of May 25, 1971, this Court stated that this litigation, "like a latter day version of Jarndyce v. Jarndyce", threatened to "consume the capital of the children in whose behalf it was brought * * *." Hobson v. Hansen, 327 F.Supp. 844, 859 (D.D.C. 1971). That capital has indeed been consumed, and plaintiffs have come to the firm conclusion that only sanctions issued by this Court will prevent both further capital expenditure and further contempt of this Court's May 25, 1971 order.

Defendants' November 30, 1972 Submission.

On November 30, 1972, defendants submitted voluminous statistical data to the Court pursuant to the Court's order of

May 25, 1971, as amended, August 1, 1972. Defendants do not dispute the fact that the data in the aforementioned submission show that 55 out of 132 District of Columbia Elementary Schools have been out of compliance with this Court's decree of May 25, 1971 since the opening day of this school year -- September 7, 1972. For example, Draper Elementary School in Anacostia still is being shortchanged of over $100,000 worth of teaching resources. This particular school was singled out by this Court in its May 25, 1971 opinion (327 F.Supp. at 863) as an example of "one of many" schools being cheated. It is still being cheated.

In a lame attempt to "explain" the massive contempt of this Court's May 25, 1971 order which has occurred, the defendants November 30, 1972 submission contains a one-page document entitled "Explanatory Notes Regarding Accompanying Reports". Simply stated, those "Notes" advise the Court that while the defendants are currently in contempt, as soon as a new compliance "report" can be "revised and approved in accordance with directives of the Board of Education, it will be forwarded to the Court." By implication, the "Notes" blame one defendant -- the Board of Education -- for failing to approve a compliance plan drafted by another defendant -- the Superintendent. Accordingly, the plaintiffs in this case are being victimized by the widely publicized buck-passing currently taking place between the Superintendent and the School Board, even though both of them are before the Court as defendants herein.

Plaintiffs' Initial Response To Defendants' November 30, 1972 Submission.

In an effort designed to avoid a renewed round of litigation, plaintiffs' counsel wrote to defendants' counsel on

December 6, 1972 (see Exhibit B attached), demanding that compliance with this Court's decree of May 25, 1971 be effected no later than December 20, 1972.

Defendants' Response to Plaintiffs' December 6, 1972 Letter.

On December 20, 1972, defendants' counsel advised plaintiffs (see Exhibit C attached hereto) that defendants could not comply with this Court's decree prior to January 29, 1973 -- "the end of the first academic semester of the present school year." Compliance even by that date would depend on approval by the Board of Education of a plan to be submitted to it. This is the same Board of Education which the Corporation Counsel advised in his December 20, 1972 letter had refused to even meet with him, despite his written request to do so, to discuss plaintiffs' letter of December 6, 1972.

Conclusion.

For the reasons outlined above, plaintiffs respectfully move for an order to show cause in the form attached hereto as Exhibit A why the defendants should not be held in contempt of this Court's order of May 25, 1971.

Respectfully submitted,

Peter F. Rousselot
815 Connecticut Avenue
Washington, D. C. 20006

Attorney for Plaintiffs

Of Counsel:

Ralph J. Temple
American Civil Liberties
Union Fund
3000 Connecticut Avenue, N. W.
Washington, D. C. 20008

MORPHINE 5 mgm 1m at 10 AM, 2 PM, 6 PM

MORPHINE 10 mgm at 10 PM

PERCODAN III TABS at 4 AM PRN PAIN.

Christopher J. Dawson

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al.,	:	
Plaintiffs,	:	
v.	:	Civil Action No. 82-66
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Defendants.	:	

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Peter F. Rousselot
815 Connecticut Avenue
Washington, D. C. 20006

Attorney for Plaintiffs

Of Counsel:

Ralph J. Temple
American Civil Liberties
Union Fund
3000 Connecticut Avenue
Washington, D. C. 20008

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Peter F. Rousselot

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al.,	:	
Plaintiffs,	:	
v.	:	Civil Action No. 82-66
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On December 20, 1972, defendants' counsel advised plaintiffs (see Exhibit C attached hereto) that defendants could not comply with this Court's decree prior to January 29, 1973 -- "the end of the first academic semester of the present school year." Compliance even by that date would depend on approval by the Board of Education of a plan to be submitted to it. This is the same Board of Education which the Corporation Counsel advised in his December 20, 1972 letter had refused to even meet with him, despite his written request to do so, to discuss plaintiffs' letter of December 6, 1972.

Conclusion.

For the reasons outlined above, plaintiffs respectfully move for an order to show cause in the form attached hereto as Exhibit A why the defendants should not be held in contempt of this Court's order of May 25, 1971.

Respectfully submitted,

Peter F. Rousselot
815 Connecticut Avenue
Washington, D. C. 20006

Attorney for Plaintiffs

Of Counsel:

Ralph J. Temple
American Civil Liberties
Union Fund
3000 Connecticut Avenue, N. W.
Washington, D. C. 20008

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al.,	:	
Plaintiffs,	:	
v.	:	Civil Action No. 82-66
CARL F. HANSEN, et al.,	:	
Defendants.	:	

ORDER

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Marion Barry, Jr.

Mattie G. Taylor

Charles I. Cassell

James E. Coates

Raymond B. Kemp

Hilda H. Mason

Delores Pryde

Albert A. Rosenfield

Martha S. Swaim

Bardyl R. Tirana

Evie M. Washington

Hugh J. Scott

show cause why each of them should not be:

(1.) held in contempt of this Court's order of May 25, 1971; and

(2.) fined at the rate of $10.00 per day per person from September 7, 1972, up to the date prior

to January 29, 1973, on which compliance with this Court's order of May 25, 1971 is restored; and

(3.) fined at the rate of $100.00 per day per person for each day after January 29, 1973 that any District of Columbia elementary school subject to this Court's decree of May 25, 1971 is out of compliance with that decree.

J. Skelly Wright,
Circuit Judge*

Dated: December ____, 1972

*Sitting by designation pursuant to 28 U.S.C. §291(c)

Exhibit B

HOGAN & HARTSON

815 CONNECTICUT AVENUE
WASHINGTON, D. C. 20006

TELEPHONE (202) 298-5600

CABLE ADDRESS "HOGANDER WASHINGTON"

TELEX 89-2757

December 6, 1972

Thomas R. Nedrich, Esquire
Corporation Counsel of the
District of Columbia
District Building - Room 308
14th and E Streets, N. W.
Washington, D. C. 20004

Re: Hobson v. Hansen, C. A. 82-66 --
Violations of the Decree of May 25, 1971

Dear Mr. Nedrich:

The report filed on November 30, 1972, on behalf of the defendants in the above captioned case demonstrates that the Superintendent and the eleven members of the Board are in contempt of the Court's decree. We demand that the defendants comply with that decree no later than December 20th.

We have grave reservations about the accuracy of the facts presented in the November 30 report, but even if all the facts in the report are accepted as true, they show that 55 of 132 elementary schools in the city are out of compliance with the decree. For example, Draper Elementary School in Anacostia still is being shortchanged of over $100,000 worth of teaching resources. This particular school was singled out by Judge Wright in his May 25, 1971, opinion (327 F.Supp. at 863) as an example of "one of many" schools being cheated. It is still one of many schools being cheated.

There are three possible explanations for the Board's failure to comply with the Court's order. One is that the Board has never really accepted one of the principles on which the various court orders in this case were issued,

namely, that equalization of educational opportunity requires equalization of all educational resources, particularly teacher salary resources. The second is that the Board has accepted this principle, but feels that other priorities require that the necessary measures to implement it be delayed. The third is that the Board has given insufficient attention to the mechanics of compliance, thus being unaware that steps have to be taken in advance to assure continuing compliance. All three "explanations", in our view, would warrant the imposition of contempt sanctions.

Noncompliance at this time is particularly serious because of two factors: (1) the length of time in which the defendants have been in violation of the Court's order; and (2) the failure of the defendants to direct sufficient attention to compliance. This latest "lapse" is but a continuation of past derelictions.

As things now stand, one can predict an endless series of episodes this coming school semester, next semester, and into future years, where the Board is always promising compliance at some future time after the School Administration submits a plan "acceptable" to the Board. We regard this as intolerable, and believe the Court will also so regard it. We also consider it irrelevant that the Superintendent attempts to blame the Board and the Board attempts to blame the Superintendent. Indeed, these constant attempts to shift responsibility only aggravate the contempt. Both the Board and the Superintendent are defendants in this case.

Our prime interest is not in another court proceeding. It is in equalizing the distribution of educational resources in the D. C. elementary school system. Accordingly, we urge that those measures, which are known to us and to the defendants to be necessary to comply with the Court's order, be taken immediately, and that we be furnished evidence no later than December 20th that per pupil expenditures for teachers salaries at every D. C. elementary school are within the $\pm$5% range mandated by the United States District Court.

Unless this is done, we will be compelled to initiate contempt proceedings. In this connection, we will seek discovery of all school records since May, 1971, pertaining to compliance, and we will take depositions of the Superintendent and all Board members. We will seek contempt sanctions in the form of fines against each person sharing the responsibility for noncompliance. Such fines will be based on each responsible defendant's income and other resources, to be assessed individually and on a daily basis until the contempt is ended.

Sincerely,

Peter F. Rousselot

Peter F. Rousselot
Attorney for Plaintiffs

PFR:jc

Of Counsel:

Ralph Temple, Esquire
American Civil Liberties Union
of the National Capital Area
Suite 437
3000 Connecticut Avenue, N. W.
Washington, D. C. 20008

cc: Board of Education for the
District of Columbia
Superintendent of Schools for the
District of Columbia

Exhibit C

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL
DISTRICT BUILDING
WASHINGTON, D. C. 20004

IN REPLY REFER TO:
CP:TRN:fm

December 20, 1972

Peter F. Rousselot, Esquire
Hogan and Hartson
815 Connecticut Avenue, N. W.
Washington, D. C. 20006

In re: Hobson v. Hansen
Civil Action No. 82--66

Dear Mr. Rousselot:

This will confirm your letter of December 6, 1972 concerning the above-referenced cause of action and our subsequent telephone conversations pursuant thereto.

I have had several recent meetings with the school administration concerning the matters raised in your December 6 letter. The administration has provided me with the following information as to its efforts to achieve compliance in light of the November 21, 1972 directive of the Board of Education:

A computor program showing the city-wide mean and status of each elementary school under the new formula has just been completed. This document is presently being reviewed to correct typographical and statistical errors. It is estimated that this mechanical review can be completed by December 21. It is projected that it will take five working days to conduct a substantive school by school analysis to make a determination of what reassignment of services will be required to bring each elementary school

into compliance. Allowing for the Christmas holiday, this analysis should be complete by December 29. The period between December 29 and January 4, 1973 will be used to complete all paperwork necessary to effect a theoretical reassignment of services. This information will then be subjected to a second computor program to determine if the proposed reassignments will, in fact, accomplish equalization. Assuming the second program shows the need for little or no further readjustment, the revised plan will be submitted to the Board for approval. Upon such approval, implementation will commence with the notification of teachers who are to be reassigned; the notification process should commence by January 15. Since teachers are entitled by contract to two weeks notice of transfer, it is anticipated that all elementary schools can be brought into compliance by January 29, which coincides with the end of the first academic semester of the present school year.

It should be noted that I extended a written invitation to the Board to discuss the matters asserted in your letter of December 6. The Board has not accepted my invitation and, consequently, I must assume that it intends to stand on its directive of November 21.

Very truly yours,

THOMAS R. NEDRICH
Assistant Corporation Counsel, D. C.

cc: Board of Education
Superintendent of Schools

Helen Klein
'67-1974

DECEMBER 1, 1972

JUDGE J. SKELLY-WRIGHT
U. S. COURT OF APPEALS

WE, THE UNDERSIGNED, ARE ORDINARY CITIZENS OF THE DISTRICT OF COLUMBIA, AND PARENTS OF ADAMS COMMUNITY SCHOOL STUDENTS. WE DO NOT KNOW THE PROPER LEGAL FORM FOR SUCH MATTERS, AND HAVE BEEN ABLE TO GET LITTLE LEGAL ASSISTANCE; BUT WE FEEL WE MUST PROTEST OUR CONDITIONS AND ASK FOR REDRESS FROM YOUR COURT.

WE ARE ASKING YOU TO HEAR OUR GRIEVANCES AND ALLOW US TO BE CONSIDERED IN THE CASE OF HOBSON VS HANSEN.

Rebecca B. Gray on behalf of Jacinta Monique Gray

Isaac Long on behalf of Christopher K. Long, Charise K. Long

Helen Fish Klein on behalf of Abram William Fish Klein

Solomon Shephard on behalf of Lawrence Shephard

Ruth Mills on behalf of Albert, Tony and Cynthia Mills and Thomas and Maurice Jackson (parent of Ruth, Tony and Cynthia, and guardian of Thomas and Maurice Jackson

Christine Summers on behalf of Anthony C. Summers, Kelly R. Summers

Rebecca B. Gray 1862 Mintwood Road, N.W.

Isaac Long 1970 Swann Street, N.W.

Helen Fish Klein 1927 Biltmore Street, N.W.

Solomon Shepard 1736 - 18th Street, N.W.

Ruth Mills 1871 California Streets, N.W.

Christine Summers 1815 Kalorama Road, N.W.

Because of the interpetation of the equalization decision by the downtown administration, Adams Community School, whose population is composed almost entirely of children from deprived economic backgrounds, has found it impossible to obtain the resources to which are needed to provide quality education and to which it is entitled according to equalization guidelines. The school administration has repeatedly used the decision as an excuse for not honoring its agreement[1] with the Adams Community School Board. We are therefore asking the court to:

order the school administration to assign an additional classroom teaching position to Adams immediately rather than forcing the children of the school to wait another two months for "equalization" which is no longer equalization in truth when it occurs more than half way through the school year,

and to establish separate equalization procedures for Adams so that the D.C. School Board may honor its agreement with our school in the future.

1 Document A

The Population of Adams Community School

It is very difficult to obtain accurate figures on the family income and backgrounds of children in the school. According to data submitted by the school administration in Table , Adams' population is allegedly 90% black. Of the remaining children, the majority are recent immigrants from Latin American countries, also from economically deprived families, and many with severe language handicaps. Others are foreign born children of lower echelon embassy employees, many also with language difficulties. 349 of Adams 509 children are eligible for the free lunch program. The average income level for these families sd would have to be less than$5137 for a four member family, with incremental incomes possible for families of larger size. In addition, a school breakfast program, ordinarily operated in schools with a large number of needy children, is functioning at Adams.

Early this year impact aid questionnaires were received from 400 of A Adams 504 children. Of the 400 received, 136 or 34% indicated that the family adults concerned receive public assistance or are unemployed.

However, in Table II (document B) of the documents prepared for submission to the court by the school administration, Adams' school's medean family income is listed as $13,785. This erroneous figure is obtained by using 1970 census tract data based on the school attendance area. Adams' attendance area includes the very wealthy "Kalorama" area West of Connecticut Avenue although few if any actual children attend the school from this area.

Please note that in the attached document C "school data report" submitted by the school administration to the D.C. school Board on Wednedday November 29 for submission to the court on Friday December 1 Adams is listed as being in category 1 according to the socio-economic level of the school. On page 3, socio-economic level 1 is identified as

being the "low" level, and this would correctly identify Adams' school population. However, a rapid examination of the Ward 3 West of the Park Schools indicates that they also are identified erroneously as belonging to the "low" socio-economic grouping. It seems likely that for all schools listed on the table, the socio economic levels have been reversed. It is ironic that a double mistake by the school administration has inadvertantly placed Adams in the correct socio-economic grouping. This is one instance when two wrongs do make a right.

Special resources in the school

With the exception of impact aid funding of 2 classroom teachers in the Unit 1 program, Adams has no special federally funded programs in the school that we know of. Adams' impact aid funds were obtained after long efforts and careful research through the Adams Community School Board's testimony and justification of its Unit 1 program to the D.C. Board of Education last year. Adams' Unit 1 program is an all day pre-school kindergarten program which includes 3, 4, and 5 year old childrenand some children who have become 6 years old since September. A 20-twenty to one pupil teacher ratio is maintained in these classes, which falls between the approximately 15-2 pre-school teacher pupil teacher ratio, and the 21.9 pupil teacher ratio which the school system allegedly averages in kindergarten classes. (see Document C). Because pre-school children were excluded from the Skelly Wright decision, they were excluded from the computer, and Adams received no money on the computer in figuring the expenditure per child on teachers' salaries for these children. Last year one teacher was paid from a pre-school salary, and four were funded out of the regular budget. In an effort to avoid having to abandon our Unit 1 program, or having to allow calss size to rise in Units 2 through 5 (comprising Adams' first through sixth grade aged

youngsters), funding for two of these teachers was sought from impact aid. The two teachers who are on impact Aid salaries are beginn teachers, and so impact aid funds total approximately $16,000. These impact aid funds are used to benefit only those children in Unit 1 and older 409 children receive no benefits from any special funds whatsoeve

Table II (document B) prepared by the school administration erroneously lists Adams as receiving only $13,306 in impact aid. It als erroneously lists Adams as receiving $69,268 in Title 1 money and $39,8 other funds which are not being expended in the school as far as we kno These errors may have resulted from a misinterpelation of the informati contained in Table III prepared by the school administration. (document It appears that Morgan's Title I funds have been attributed to Adams in Table II, and that Harrison Community School's figures have been attributed to Morgan. None of the figures submitted by the School Board in relation to Adams School in Table II appear to be accurate. Adams School does not appear at all in Table III.

Partly because there are no extra funds whatsoever from which the 409 children in UNits II - V benefit that the situation in Adams Communi School has become so desperate, and we are asking the court for assistan

Explanation of the present situation at Adams

At present Adams' classrooms have 34 children per teacher, despite an organizational pattern and curriculum that call for no more than 25 children per teacher. Morale of teachers, students and Board has deteriorated and Adams' children are not being educated.

The present situation at Adams Community School was caused by the arbitrary removal of three teaching positions at Adams in September. Adams School Board members had struggled all summer to receive authorization to hire teachers to replace those that were resigning. Although the agreement sets forth the Adams' Board's right to hire, the Board hesitated to procede without specific authorization to do so because of its experience with equalization procedures the year before.

During the Fall of 1971, three teachers were transferred into Adams as a result of computer assignment. These teachers were not selected by the Adams School Board according to the agreement. However, four other teachers were screened and selected for employment at Adams but the system refused to hire them.

The Adams School Board insisted that it had the right to hire personnel of its choosing and the downtown administration insisted that it had the right to place the three computer transferred teachers at Adams. The result was that the teachers selected by the Adams Board were working but were not receiving wages and the teachers who were transferred to Adams were not working but were receiving wages. After many heated debates between the Adams Board, the downtown administration and the D.C. School Board, the matter was resolved by having the three computer transferred teachers placed in other schools and placing three of the four Adams selected teachers on the regular payroll. The fourth teacher was not hired because she looked a very questionable

lacked a very questionable certification requirement.

Efforts to resolve this situation lasted until December. These effort were so demoralizing and time consuming that the whole educational program suffered. Therefore the Adams Board has been reluctant to hire anyone this school year without the system's prior written authorization that the position(s) exist.

Throughout the past summer, Adams struggled to obtain authorization t hire teachers from the administration. A memorandum from Julian West, liaison person between the D.C. school administration and Betty Holten, head of the equalization effort, reflected questions the Adams Board had been asking him. (document E.)

On July 7, 1972, the Adams Board wrote Dr. Hugh Scott, Superintendent of Schools, asking for authorization to hire teachers. In Dr. Scott's reply, he explained that after RIF procedures had been completed, "the D.C School System must determine the number of teachers required for equalization as a result of the Skelly Wright decision." (document F). This statement implied that Adams could not hire its own teachers because only the school administration could evaluate how much money the Adams School was entitled to according to the Skelly Wright decree, and perhaps that once again the administration would computer transfer teachers into the school.

On August 3rd, the Adams Board wrote Marion Barry and asked that he intervene in our behalf to assure that Adams could hire its staff before the opening of school. (document G) In this letter, MS. Summers and Mr. Long explained their efforts to meet with the Budget Department to assure that in hiring the Adams School Board would stay within Skelly Wright guidelines.

~~At a meeting in late August, Mr. Isaac Long, Ms. Chris Summers and Mr. Thomas Brown, School Principal, met with Mr. Marion Barry and D[illegible]~~

At a meeting in late August, Mr. Isaac Long, Adams Board Chairman, Ms. Chris Summers, Adams Board Personnel Committee Chairperson, and Mr. Thomas Brown, school principal, met with Marion Barry and Dr. Hugh Scott. When the problem was explained to Mr. Barry and Dr. Scott, Dr. Scott directed Mr. Dwight Cropp, his assistant, to compose two memorandums - one would direct his staff to lift the freeze on hiring for Adams, the other to authorize Adams to hire five teachers. But before these memorandums could be written, Adams was told that it could not hire anyone because of equalization and compliance orders of the Wright Court.

After much deliberation, authorization to hire three teachers was granted. This brought the total number of classroom teachers up to 17 - 5 assigned to Unit I with 20 students each, and twelve assigned to Units II through V with, it became apparant after school opened September 7, an average of more than 34 students each.

The efforts of the Adams Community School Board since that date have focused on obtaining relief from the large class size in Units II through V. Ironically, these efforts have been frustrated by the school administration's interpetations of the very court decision which was intended to assis underequalized schools composed of economically deprived school children like Adams.

Ms. Summers and Mr. Brown made daily trips downtown from August 23 through September 7 in order to seek relief from the overcrowded conditions under which the school was scheduled to open. A copy is enclosed of one memorandum Adams' principal sent downtown indicating the expected enrollment pattern even before school began on September 1. (document H) These efforts were to no avail.

As school opened, special teaching services were reduced because of

equalization procedures.

On the day that school opened, September 5, Ms. Virginia Reid, the Adams reading teacher, informed Mr. Brown that her mother had received a telephone call about 9:00 p.m., Sunday, September 3, which instructed her to inform Ms. Reid that she should report to another school. The following day, September 6, Mr. Brown received a phone call from the Central Administration's Physical Education Office which said that Adams Physical Education program would be reduced and the P.E. teacher would have to be transferred to another school.

After informing both the reading teacher and the physical education teacher to continue their services at Adams until they received something in writing, Ms. Summers and Mr. Brown returned to deliberations with the central administration to obtain relief from the overcrowded classes and the proposed cuts in special teaching services. Early in September additional information was requested about what special services were scheduled for Adams, so that Adams could keep those special teachers whom the Board selected. Throughout September, the Adams Board remained confident that in view of the evident overcrowding, administrative relief could be obtained. Efforts to obtain relief always elicited information that no relief could be obtained until equalization procedures were followed.

In October, the Adams Board directed its efforts at the elected D.C. Board. On October 4, Mr. Isaac Long, and a parent, Mrs. Irene Waskow appeared before the D.C. School Board to ask relief from the overcrowded classes. Copies of this testimony are attached. (document I). Adams Board Chairman, Isaac Long, specifically pleaded with the Board not to make Adams School wait until December 1 before receiving relief from overcrowded classes. There were rumors of relief, but no written

authorization was received. However, Adams was given one additional position in which ms. Virginia Reid could be placed. This was not a reading budgeted position but a regular classroom budgeted position.

At a meeting on October 15 with the Community Life and Student Involvement Committee of the D.C. School Board, in which the Adams contract was negotiated, requests were repeated for information about the special teaching services to which Adams was entitled according to equalization guidelines.

On October 23, a delegation from Adams met with Ms. Betty Holten, head of the equalization effort, Mr. Fred Aranha, new liaison person between the community schools and the school administration, Dr. Sol Gaatt of Ms McKenzie's office, and Father Raymond B. Kemp, Ward I School Board representative to seek relief from overcrowded classes and to seek information on special teaching service allotments for Adams in order to consider trading special teachers for classroom teachers. School administration representatives insisted at this meeting that Adams could receive no additional services until after the computer run at the end of the month. The matter of trading off special teaching services was acknowledged by Dr. Gnatt, but it was never acknowledged in the Budget Office, whence Dr. Gantt explained the decision had to come. (Document J)

On October 30, Ms. Helen Klein, Board Treasurer, wrote Marion Barry, D.C. School Board President, focussing very specifically on the problem the Board was having in carrying out its obligation to Adams' children because of equalization procedures. Ms. Klein also presented an analysis of Adams' position on equalization.

The first information given the Adams Board concerning the November 2 computer run indicated that Adams School was$32,900 under compliance, proving the Adams' Board's contentions dating back to August. The school data report (document C) alledgedly shows that Adams was the fourth most

under equalized school of the approximately 132 schools in the system in terms of deviation from the mean. The Adams Board requested that these dollars be translated into classroom teaching services and not special teaching services.

At a meeting on November 6, Ms. Klein and Mr. Long met with Mr. Barry, Mrs. MacKenzie, Special Assistant to the Superintendent, and Mr. Cropp to reemphasize the request for classroom teachers. Mrs. MacKenzie a agreed to authorize the hiring of two teachers at Adams. Subsequently, Isaac Long wrote her insisting on Adams' need for a third teacher, and basing his argument on educational need while citing equalization data which might prove more convincing to the school administration.(Document K)

On November 10, Mr. Aranha informed Mr. Brown and Ms. Klein that approval had been granted to hire a third teacher. Written confirmation followed on November 13, stating that "the

> " The Equalization Office has completed the study of schools needs in order to bring all schools into compliance with the Wright Decree.
> As a result, Adams Community School is entitled to and will receive additional teacher service as follows:

The letter indicated that Adams would receive 70 % additional foreign language services as well as three classroom teachers.(Document L) The "services" of one teacher whose name had erroneously appeared on the Adams print-out although she had never taught in the school were "transferred from Adams" [illegible] be made.

At the November 15 D. C. Board of Education meeting, the D.C. Board of Education voted to delay approval of Dr. Scott's equalization plan until certain changes could be made. Evidently, the action of the board was interpreted as a cease and desist order, because on November 17, Mr. Brown was told by Mr. Aranha that plans for hiring the three teacher should be discontinued until further notice.

On November 22, Mr. Brown received Mr. Aranha's memorandum which confirmed the cease and desist telephone order of November 17 [illegible]

(Document M). This occurred despite the assurances of two D. C. School Board members, Father Kemp and Hilda Mason, that this was not the intent of the D. C. School Board on November 15.

On November 22, Mr. Aranha told Mr. Brown via telephone that plans could be continued to hire two teachers but not the third teacher. Written confirmation of this was received on November 27, last Monday.

In the interim, by telegram, the Adams School Board requested a formal grievance hearing by the Student Life and Community Involvement Committee. The hearing took place Wednesday, November 29th in the School Board's hearing room and in the hall. At that meeting and in a telephone conversation on Monday November 27, Ms. Betty Holten, head of the equalization effort, told Adams that it would be two months before the new equalization effort was completed. ~~Nothing was resolved at the~~ Nothing was resolved at the grievance hearing. That is why we feel we have no recourse left except to the courts. We would now like to explain what specifics we would like the court to accomplish in view of this history.

To Render Adams' Agreement Workable

First of all, we would like special equalization procedures to be provided so that the Adams School's agreement with the D. C. Board of Education, recently renewed for five years, can be a workable one, in conjunction with the Skelly Wright decision and despite equalization procedures.

Adams' agreement states in Article 5 "The Adams Community School Board will determine priorities for the expenditure of funds which are normally allocated to the Adams School". Article 6 reads "The Adams Community School Board will determine the number and kind of personnel that will be hired within the funds allocated to the Adams School, and will recommend its staff to the Department of Personnel through the liaison person". At the formal grievance hearing on November 29, Edward Winner,

agreed that under present equalization procedures, it was impossible for the Board of Education to honor its commitment to Adams. At a meeting on November 6, Marion Barry, President of the D. C. School Board, recognizing these problems, suggested the D.C. School Board apply to the court for exemption from the Skelly Wright decision altogether for the community schools. Because the D.C. School Board has many pressing problems to consider, individual parents of the Adams Community School have decided to request the court to recognize extraordinary circumstances and set forth special criteria that will enable the Adams Board to carry out its responsibility to Adams' children.

First of all, in order to be able to determine our staffing pattern, the Board needs to know the total amount of funds available to the school no later than the Spring. This is impossible under present equalization procedures. We do not anticipate that the total school enrollment will deviate greatly from 500 students. Therefore we would like the court to rule that Adams may equalize in the following school year according to the school enrollment multiplied by the average expenditure per child in the preceding school year. This would enable the Adams School Board to fix each Spring a budgetary amount and to plan its staff accordingly. Then the school system can plan its final budgetary requests to Congress with awareness of what Adams School needs, and can no longer plead that by assigning additional resources to Adams, another school is being deprived.

To Obtain a Third Additional Teacher Now

Second, we would like the court, in the single instance of Adams School, to order the school system to provide the school with the additional classroom teaching position now rather than asking the children of Adams School to wait an additional two months to receive the resources to which they are entitled. We feel that Adams particular circumstances including the curriculum in the school make this necessary.

According to Adams agreement(document A) "The Adams Community School Board will be given responsibility for curriculum formation and instruction". Adams School's curriculum calls for mixed age grouping, and more individualized attention to children. From its inception, a first priority of the Adams educational program was a class size of no more than 25 students per teacher because teaching this kind of curriculum places an additional burden on the teacher.

Throughout this school year, Adams Units II through V teachers have labored under a class size that averaged over 34 students. The third additional teacher assigned to Adams would place the real number of children in Adams classrooms at 27 to 1, or less than one child per teacher under the alleged system average.[1]

Existing class size has caused the educational quality at Adams to deteriorate. Attached is a memorandum from Adams' teachers to the parents concerning an emergency teacher's meeting at the school on Thursday November 30. It states

> Since September we have worked under pressures because of overcrowded classrooms, eternal promises of school reorganization which never materialized, because additional teachers have not been authorized. During this period, students have become increasingly defiant, unruly, disruptive and uncooperative. Fighting among students has become an ever increasing problem.
>
> As a result, teachers have become unable to maintain a climate wherein learning can take place. (Document N)

In repeated telephone conversations, letter, and meetings, Adams educational need for a classroom teaching staff of 20 has been amply justified. We

1 According to Talbe IV (document Q) submitted by the school administration, Adams has a pupil teacher ratio of 24.9. It is impossible for us to explain how this figure was obtained. There are presently 12 teachers in Units II through V. Even if Adams were allowed to hire three teachers, and Ms. Virginia Reid is also counted as a classroom teacher, and not a reading teacher, the teaching staff in Units II - V or grades 1 - 6 would only equal 16 in number and not 17.

Similarly, we are unable to understand Table I (Document P)"per pupil expenditures from regular funds on October 19, 1972" which indicates that Adams had $258,998 in total salaries and benefits at the time. In reality, Adams was receiving only approximately $199,511 in salaries and benefits (document P).

feel that these resources should have been provided the school for educational reasons unrelated to equalization. The equalization officer in the school administration, Ms. Betty Holten, has suggested that Adams reorganize two units now, and wait to reorganize the other two pending completion of the new equalization study. Because of the demoralization already present in the school, we would prefer to reorganize all the Units in the school at the same time. However, two complete reorganizations would mean that it would be difficult to avoid moving some children twice. An ideal educational situation is not created when a child has a new teacher every three months. On the other

On On the other hand, should Adams not obtain the third teacher later, if a partial reorganization is carried out now, morale and educational problems in the Units not reorganized might force another complete reorganization of the School in February and March.

We feel sure that there will be ample money to allow Adams to hire a third teaching position since the school was originally assigned not just three classroom teachers, but 70 % of additional foreigh languages services as well.

It is for these reasons that we are asking the court to order the school system to assign a third teaching position to Adams immediately. Then the school may be finally organized in December, half way through the school year, and not in February, two-thirds of the way through the school year.

Dr Briscoe

(716) 78-7804

485-1500

228

Hales

Barbara

X 8X-7727

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JULIUS W. HOBSON, et al.,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 82-66
CARL F. HANSEN, et al.,	)	
Defendants.	)	

SUGGESTION OF VIOLATION OF THE COURT'S OPINION AND JUDGMENT

Plaintiff, Julius W. Hobson, hereby respectfully suggests to the Court that Defendant Dr. Hugh J. Scott, Superintendent of Schools of the District of Columbia, is in violation of this Court's opinion and judgment in that said Defendant has in effect re-created optional zones in the D.C. Public Schools through his recent actions in transferring his own son, a student for the upcoming fall session in said schools, across school boundaries without valid reason. (See exhibit A) This Court, in Part IV (A) of its June 19, 1967, opinion and in paragraphs two and four of the decree thereto forbade the use of optional zones for pupil assignment.

Moreover, Defendant Scott is also in violation of the Superintendent's and Board's own plans previously submitted to the Court. In "Book III of Data Submitted to Court; August 13, 1970; Hobson v. Hansen, CA 82-66" Defendants Superintendent and Board submitted a document headed "Implementation of the Wright Decree" dated March 2, 1970, in which was set forth (p. 3):

"PUPIL ASSIGNMENTS

Boundary Changes and Transfer Policies

. . .

"As a result of the recommendations of the Boundary Committee, the following steps were taken:

"1. New secondary school boundaries were approved by the Board of Education on May 8, 1968. The boundary maps were developed in an effort to equalize the use of our school facilities throughout our city and to improve racial, economic and social integration.

"2. A uniform pupil transfer policy designed to protect pupils from possible discrimination was adopted on July 30, 1968. A copy of the boundary report and transfer policy approved by the Board are attached (Attachments A and B)."

As supporting documents, the attached papers were filed with the Court (See exhibit B).

Respectfully submitted,

Julius W. Hobson, Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Suggestion of Violation of the Court's Opinion and Judgment, together with the exhibits thereto, was mailed, postage prepaid, to the attorneys for Defendants at the address of record in this action, this 26 day of July, 1972.

Julius W. Hobson

The Washington Post METRO Local News

SATURDAY, JULY 22, 1972

Scott's Son Shifted Outside School Zone

By Andrew Barnes
Washington Post Staff Writer

Washington School Supt. Hugh J. Scott, citing the "severe hardship" of sending his son to first grade at Murch School next fall, has had him transferred across the boundary line to Lafayette School.

Scott's $70,000 house at 5426 27th St. NW is just inside the Murch attendance zone, though it is 15 blocks from Murch and only 10 blocks from Lafayette.

Scott explained "it appeared to me a little illogical" to send Hugh Jason Scott, 5, the greater distance.

"Many kids are closer to Lafayette than they are to Murch," commented Tish Gardner, president of the Murch Home and School Association.

"I think it's a marvellous precedent," she said, and all schools would be better if parents could choose to send their children where they think best.

Parents used to have greater choice, but in 1967 the optional attendance zones were banned by the court on the grounds that they perpetuated the privilege of the white and the affluent.

"The boundaries are firm," said Roberta S. Barnes, principal of Lafayette until her retirement June 30. "Any deviations are decided at the Presidential Building (school headquarters."

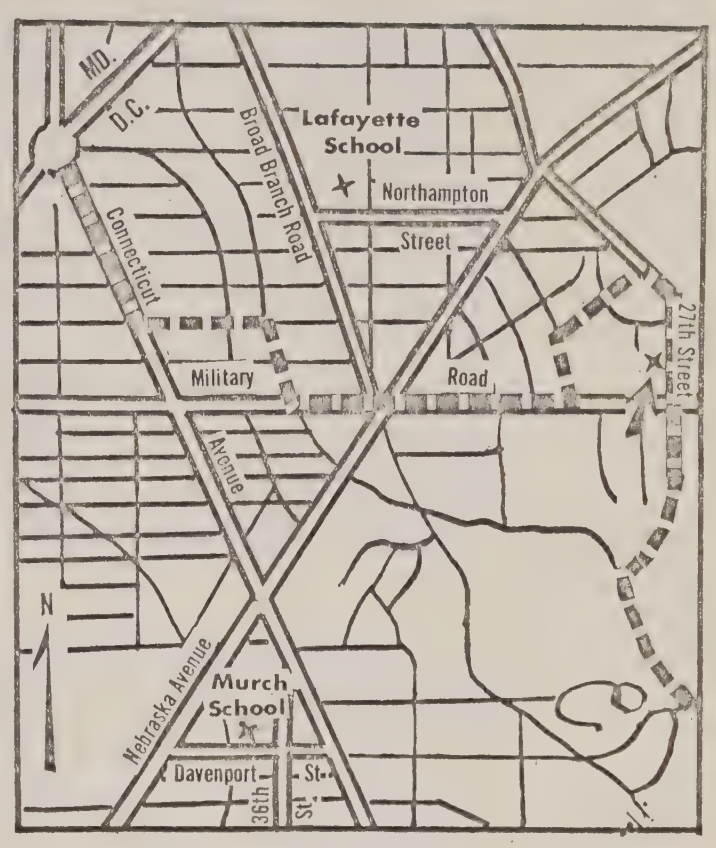
She said it is "very uncommon" for children to switch between Murch and Lafayette, both of which are among the richest, most prestigious and whitest public schools in the city.

Throughout the city, 716 transfers were granted last year, mostly for working parents to assist in day-care problems. Day-care and hardship are the two reasons to cross a boundary.

School board member Albert A. Rosenfield, who represents ward three, covering both Lafayette and Murch, called Scott's action "stupid."

He said he has already begun receiving calls from parents who have heard of the

See SCOTT, B4, Col. 4



By Joseph Mastrangelo—The Washington Post

Arrow points to Scott's home on 27th Street, located just outside Lafayette School zone (dotted line).

Scott's Son Transferred Outside His School Zone

SCOTT, From B1

transfer, and showed a letter he has received from a family which has been seeking unsuccessfully to make a similar transfer.

"If you have the clout, you use it," said Mrs. Gardner, "and if you don't, you go to the school you were intended to."

"From a human point of view, I understand," she said. "They just plain are closer. But if you were the superintendent . . . it might even be a news story."

"I don't think I should be handicapped by being superintendent," said Scott. Asked whether he thought the assistant superintendent to whom he wrote the request signed "Hugh J. Scott, Superintendent of Schools" could be impartial in responding, Scott said "I thought I cited a good reason."

Scott said getting to Murch, located at 36th and Davenport Streets NW, from his house overlooking St. John's College High School would involve going along Military Road, which lacks curbs at some spots, while walking to Lafayette at Northampton Street and Broad Branch Road NW would be safe for a small child.

Scott said he had walked and driven the two routes himself to check them out.

In his letter Scott points out there are no other children in his neighborhood with whom his son could walk, and says it would "create a serious hardship for me to have to arrange to take my son to and from Murch School each day."

He concludes his letter to Assistant Superintendent Dorothy L. Johnson "I would sincerely appreciate your favorable consideration of this request."

EX. A

The Evening Star
and
The Washington Daily News
Metro Life
WASHINGTON, D. C.
SATURDAY, JULY 22, 1972

School Exception for Scott Son

By JOHN MATHEWS
Star-News Staff Writer

Dr. Dorothy L. Johnson, the veteran assistant superintendent for elementary schools in Washington, was confronted recently with the type of problem that makes school administrators wish they were back in the classroom.

You see, Dr. Johnson received this letter from a parent asking that his 5-year-old son be allowed to attend kindergarten at Lafayette Elementary School, rather than Murch Elementary School, an equally prestigious District school in Upper Northwest.

The parent, who lives in a small residential pocket that should logically be in the Lafayette zone, but for at least 20 years has been assigned to Murch, said it would be an "extreme hardship" for his son to go to Murch because it is five blocks further away and he would have to cross such busy arteries as Connecticut Avenue and Military Road. Few exceptions have been granted in the past because Lafayette has been filled to capacity for years and Murch is under-enrolled.

WHEN DR. JOHNSON got to the end of the letter she must have done a doubletake when she saw the signature: "Hugh J. Scott, Superintendent of Schools," her boss.

Today, Dr. Johnson would not comment on her approval of the exception for Hugh Jason Scott Jr., except to say it was done through "normal channels." The superintendent, however, was ready to comment.

"I could have approved the change myself without going through channels," he said. "Furthermore, I don't think my son should be punished because I'm superintendent. I suffer enough hardships as it is."

Scott, who lives at 5426 27th St. NW, across from St. John's College High School, said the boundaries for Lafayette and Murch were "illogical." Instead of the boundary line for Lafayette continuing straight along Military, it jogs northward a couple of blocks to 27th Street. The result, he said, is that part of Lafayette is zoned into Murch, making that area the furtherest distance from the Murch school.

THE SUPERINTENDENT said walking to Murch, 15 blocks away, would be more hazardous than to Lafayette, 10 blocks distant, because portions of Military Road have no sidewalks. He said his son is not "street wise" and would have no children his age to walk to school with this year or apparently in the future.

The former principal of Lafayette, Mrs. Roberta S. Barnes, who retired June 30 after 46 years in the school system and 14 years as the school's principal, could not recall any exceptions granted in the past for residents of the attendance pocket where Scott lives. She noted that a similar pocket exists near Connecticut and Military, although the distance to Murch is not as great from that area.

Mrs. Barnes said she was not consulted about the exception for the Scott child. "All those decisions are made at the Presidential Building (school headquarters)," she said.

Scott's other child, Marvalisa, 16, will be a senior at Wilson High School this fall, the zoned high school for the neighborhood.

PTA HEAD DISAPPOINTED

Scott's Action Deplored

By JOHN MATHEWS
Star-News Staff Writer

"You know, we look to Dr. Scott for leadership and in this case I'm very disappointed in him," said Mrs. Tish Gardiner, president of the Murch Elementary School PTA.

She was reacting to the public disclosure that District School Supt. Hugh J. Scott has had his 5-year-old son Hugh Jason transferred from Murch to Lafayette, citing "extreme hardship" as the reason for the special exception to boundary lines.

"There's no rivalry or bitterness between the two schools; they're both excellent schools," said Mrs. Gardiner. "But, we have done much to comply with equalization between schools and this kind of special treatment was, I thought, something we were trying to keep away from."

Yesterday, Scott maintained he had not exerted any pressure on his subordinate, Dr. Dorothy L. Johnson, the veteran assistant superintendent for elementary schools, who approved the attendance-zone exception for his son. The superintendent said he "went through normal channels," sending Dr. Johnson a letter he signed: "Hugh J. Scott, Superintendent of Schools."

In his letter for an exception, Scott said his home at 5426 27th St. NW, was 10 blocks from Lafayette, but 15 blocks from Murch. In order to get to Murch, his son in future years, when he would regularly walk to school, would have to cross busy Military Road, which has no sidewalks in some spots, and Connecticut Avenue.

YOUNG HUGH, who will enter kindergarten in the fall, has no children in the neighborhood with whom he could walk to Lafayette and is not "street wise," the superintendent said.

Scott added that the boundary lines between the schools—which he could have ordered changed on his own authority to aid his child — are "illogical." Instead of the southernmost line of Lafayette adhering to Military Road, it takes a northward jog near the Scott home which is opposite St. John's College High School, cutting the small area out of the Lafayette zone.

As a result, Scott pointed out, his home is at the furthest point from Murch. If it were in the Lafayette zone, ironically, it would also be the furthest point from that school.

A similar jog that zones children into Murch instead of Lafayette occurs near the corner of Connecticut Avenue and Military Road. A parent who lives in that area said, "We're even closer to Lafayette than Dr. Scott, although we're also closer to Murch, but we aren't complaining, because it wouldn't do any good."

ANOTHER PARENT, who insisted on not being identified, said parents in the Lafayette zone have "kept their fingers crossed for years," and used some "clout" behind the scenes to make sure the boundaries remain the same, which they have been for more than 20 years.

Lafayette, which regularly rates the highest among District schools in test scores, is very much a community school with a strong, possessive parent body from the idle and upper middle class neighborhood. Murch is an equally high achievement school, but with less of a neighborhood identity, largely because children attend the school from both sides of Connecticut Avenue.

Since both schools have usually been near capacity — although Murch currently has more space than Lafayette — neither has had an influx of out of the neighborhood children, despite the terms of the Wright court decision, which provided for voluntary busing of children from overcrowded schools in Southeast Washington.

Scott said yesterday that 716 exceptions were granted last school year to parents seeking attendance of their children at out of zone schools.

Mrs. Gardiner, the Murch PTA president, recalled that one parent "who had some influence with the school administration" got an exception last year so his child could attend Lafayette School. Mrs. Roberta S. Barnes, who retired June 30 after 14 years as the Lafayette principal and 46 years in the school system, could not remember any exception in the past for children from the pocket where Scott lives. Decisions on exceptions are made by school board headquarters, she added.

Scott summed up his posiion, saying, "I don't think my son should be punished because I'm superintendent. I suffer enough hardships as it is."

Attachment E

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA
The Secondary School Office
The Presidential Building
415 12th Street, N. W.
Washington, D. C. 20004

Memorandum #4 July 9, 1969

A UNIFORM TRANSFER POLICY

SECONDARY SCHOOL

A. GENERAL STATEMENT OF POLICY

1. One of the primary responsibilities of the Secondary School Office is to maintain pupil enrollment in schools below a ceiling established by this office. The ceiling is determined by the maximum number of pupils that the facility can handle efficiently. This ceiling may be raised if the building administrator indicates that more can be handled.

2. All students will be assigned in September, 1969, to the school serving the attendance zone of their place of legal residence.

3. The legal place of residence will be deemed to be the place of residence of his parents or legal (court appointed) guardian.

B. EXCEPTIONS TO THE GENERAL POLICY

1. Students enrolled in the 9th and 12th grades in September, 1969, are to attend and graduate from the school in which they were enrolled in June, 1969, regardless of their place of legal residence. They will not be permitted to transfer from that school unless they request transfer on the basis that their legal residence has changed.

2. [illegible]dents attending vocation[illegible] schools or McKinley High Sch[illegible] which offers certain city-wi[illegible]urricula[illegible]pportunities)

Ex. B

may continue to attend such schools provided they have been accepted for a particular program and are, in fact, enrolled in such a program. The condition of residence does not apply in such cases.

3. In the event students have been accepted at McKinley High School but fail to enroll in the program for which they were accepted, they are to be transferred immediately to the school designated for their legal residence.

4. Students enrolled in vocational schools who elect to return to a regular, comprehensive high school will be transferred, upon application, to the school designated for their legal residence.

C. REQUESTS FOR TRANSFERS AS A RESULT OF CHANGE OF ADDRESS

1. Principals are authorized to transfer students whose legal place of residence removes them from the attendance zone served by the school they are attending.

2. Principals are to determine the validity of the report of change of address and to determine the new school assignment for the student.

3. Statements signed by parents, guardians, attorneys, notaries, etc., to the effect that the student will be residing with a friend or relative, are not acceptable as valid reasons for transfer.

4. If a pupil is mis-assigned or is attending a school on the basis of a false address, the transfer to the proper school is to be effected immediately upon discovery of the mistake.

D. REQUESTS FOR TRANSFERS BASED ON REASONS OTHER THAN CHANGE OF ADDRESS.

1. All requests for transfers and for recommendations for transfers based on reasons other than change of address are to be referred to the Secondary School Office.

2. No requests will be honored during the first advisory - September 2 through November 7, 1969.

3. Transfer requests based on the assumed inability of the school to meet the student's educational goals are not to be granted; the Board of Education is committed to providing all students with equal educational opportunity.

4. The final decision on requests for transfers will be made by the Secondary School Office.

a. If it is warranted, an evaluation by the Department of Pupil Personnel will be requested. If this is done, their decision will be taken into consideration.

b. Information submitted by parents, medical practitioners, attorneys, public and private social services agencies, etc., may be considered in reaching a decision.

c. Transfers will be considered on the merits of each individual case.

E. ATTENDANCE IN D. C. PUBLIC SCHOOLS FROM NEIGHBORING POLITICAL DISTRICTS

1. In view of the over-crowding in the D. C. Public Schools, students who reside in neighboring political districts will not, in general, be permitted to attend D. C. Public Schools.

2. However, students who will enter the 12th Grade in September, 1969, will be permitted to complete their high school education in the D. C. Public School in which they were enrolled in June, 1969.

3. Students who are granted such special permission to attend D. C. Public Schools will be required to pay their tuition fees prior to being accepted for admission in September, 1969.

F. TRANSFERS GRANTED

1. A record of all transfers and denials will be kept in the Secondary School Office.

2. This record of transfers and denials will be available to the Board of Education.

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ELEMENTARY SCHOOL

A. GENERAL STATEMENT OF POLICY

All students will be assigned in September, 1969, to the school serving the attendance zone of their place of legal residence.

B. REQUEST FOR TRANSFERS AS A RESULT OF CHANGE OF ADDRESS

1. Principals are authorized to transfer students whose legal place of residence removes them from the attendance zone served by the school they are attending.

2. Principals are to determine the validity of the report of change of address and to determine the new school assignment for the student.

3. Statements signed by parents, guardians, attorneys, notaries, etc., to the effect the student will be residing with a friend or relative, are not acceptable as valid reasons for transfer.

4. If a student is mis-assigned or is attending a school on the basis of a false address, the transfer to the proper school is to be effected immediately upon discovery of the mistake.

C. REQUEST FOR OUT-OF-BOUNDARY PLACEMENTS BASED ON REASONS OTHER THAN CHANGE OF ADDRESS

1. All other requests or recommendations for transfer are to be referred to the Elementary School Office. Such transfers will be considered on the merits of each individual case and a decision made by the Elementary School Office. Transfer requests based on the assumed inability of the school to meet the student's educational goals are not to be granted.

2. Information submitted by parents, medical practitioners, attorneys, public and private social service agencies, etc., may be considered in arriving at a decision, but the final responsibility for the decision will rest with the Elementary School Office, unless an evaluation by the department of Pupil Personnel seems warranted. If this is done, their recommendation must be taken into consideration. The final decision, however, rests with the Elementary School Office.

D. OUT-OF-BOUNDARY PLACEMENTS

A record of all out-of-boundary placements will be kept in the Elementary School Office.

2. This record of out-of-boundary placements will be available to the Board of Education.

REASONS FOR TRANSFER

1. Economic Hardship

2. Medical Reasons

3. Physical Handicaps

4. Severe psychological conditions that impair learning

5. Diplomatic Requests